

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JUAN CARLOS LEON-HERRERA,

Plaintiff,

vs.

BAR-S FOODS CO. D/B/A SIGMA-FOODS
AND JORGE ZUNIGA ISAIS D/B/A
RVJ TRANSPORT,

Defendants.

NO. 2:24-CV-00153-MIS-GJF

**DEFENDANT JORGE ZUNIGA ISAIS D/B/A RVJ TRANSPORT'S
REPLY IN SUPPORT OF MOTION TO STRIKE PLAINTIFF'S OBJECTIONS AND
COMPEL COMPLETE DISCOVERY ANSWERS AND RESPONSES**

COMES NOW Defendant Jorge Zuniga Isaais d/b/a RVJ Transport (hereinafter "RVJ" or "Defendant"), by and through his attorneys, JONES, SKELTON & HOCHULI, P.L.C. (Raúl P. Sedillo and Sky Willard), and submits his Reply in Support of his Motion to Compel Complete Discovery Answers and Responses and to Strike Plaintiff's Objections.

Defendant filed his Motion to Compel Complete Discovery Answers and Responses and to Strike Plaintiff's Objections ("Motion") on December 9, 2024. [Doc. 55] Plaintiff's Response was due December 23, 2024. *See* D.N.M.LR-Civ 7.4(a) ("A response must be served and filed within fourteen (14) calendar days after service of the motion."). A hearing on the pending discovery motions is set for January 24, 2025. [Doc 58] Although Plaintiff stated he was opposed to Defendant's Motion [Doc. 55, p. 1], Plaintiff did not file a Response nor request an extension of time to file a Response. Plaintiff has therefore consented to granting Defendant's Motion. *See* D.N.M.LR-Civ 7.1(b) ("The failure to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). Defendant respectfully

requests this Court enter an Order striking Plaintiff's objections and compelling Plaintiff to supplement his responses to Request for Production Nos. 18, 19, and 20, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Sky Willard

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d/b/a RVJ Transport

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of December, 2024, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

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/s/ Sky Willard
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